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A mediator's perspective on need: It's not always about the money

Effective civil mediation succeeds when it recognizes that parties' deeper psychological needs — validation, control, trust and being heard—often outweigh their stated legal “wants.”

By Gary N. Stern

“You can't always get what you want, but if you try sometimes, well, you just might find, you get what you need.”

— *Rolling Stones, “You Can't Always Get What You Want,” 1969 (“Let it Bleed”)*

We've all lived with a song that never ends. A line or two may repeat in our heads with a frequency that can become maddening: “It's a Small World” in the days after leaving Disneyland, the Rolling Stones' “You Can't Always Get What You Want” on constant repeat.

It should be no surprise that my work as a mediator regularly brings me back to the Stones' legendary refrain. After mediating hundreds of cases, I've learned that understanding the distinction between want and need can pay dividends in successfully mediating civil cases.

Core needs

In typical civil litigation, both sides are looking for closure, risk mitigation and cost control. Each will have distinct operational and emotional priorities that must also be addressed if settlement is to be achieved. This is true even when the real party in interest is an insurance carrier and adjuster in an automobile accident case.

The principal needs for most plaintiffs are validation and vindication. They often seek to feel heard and acknowledged — with an apology, a change in business practices, or an official recognition of the harm they suffered. They will also need



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tangible compensation for damages, lost wages or pain and suffering. They need to be made whole without the uncertainty of a trial, recover funds without waiting months or years, pay high legal fees and face potential appellate delays.

Having identified these needs, a skilled mediator will assess their relative importance to the plaintiff. The mediator understands that when validation and vindication are the plaintiff's top priorities, addressing them could be key to resolving the dispute.

Defendants' core needs tend to involve risk and exposure limitations. Parties, such as insurance carriers, that face personal injury and other civil claims, have a compelling need to cap financial liability and avoid

“worst-case scenario” damages that a jury might award.

Beyond these fundamental needs, the parties may have additional core needs. In contentious employment and business cases, one or both parties will need confidentiality to prevent the public disclosure of embarrassing facts, trade secrets or negative press — significant risks in open court proceedings. Defendants are likely to have a compelling need for a legally binding, ironclad release from all future liability to definitively close the books on the dispute.

The parties typically share structural needs, including a need to test their adversary's case, gauge the credibility of witnesses and uncover weaknesses. As they prepare for mediation, they need to work with

an objective third party who will assess their cases honestly, temper unrealistic expectations and point out vulnerabilities in their arguments.

Needs vs. wants

We've couched everything in terms of “need,” but the parties want these things as well. The critical question for the mediator, parties and counsel is this: If we assume that “you can't always get what you want,” is it just as good to identify and seek to achieve what the parties “need?”

Beneath the framework of many civil disputes lies something far less mechanical and far more consequential: the psychological and emotional experience of the people involved. The Stones tapped into nothing less than a psychological truth: human beings are often poor judges of what will actually sustain their well-being.

They may not have known its name, but Mick Jagger and Keith Richards captured the Self-Determination Theory (SDT) of Motivation in their iconic song. SDT is a psychological principle that examines the “want/need” dichotomy and the factors that can lead people to emphasize life goals that may not fulfill their basic needs. In a 2000 article, “Self-Determination Theory and the Facilitation of Intrinsic Motivation, Social Development, and Well-Being,” Richard M. Ryan and Edward L. Deci of the University of Rochester identified three basic needs that must be satisfied in order for individuals to experience “an ongoing sense of integrity and well-being”: competence, autonomy and relatedness.

Jagger and Richards probably didn't research SDT, but they sure

understood it. People flourish not by endlessly satisfying impulses or status desires, but by fulfilling their deeper psychological needs. Their lyrics suggest that what we want is often driven by fantasy, ego, comparison, novelty or immediate emotion. What we need is usually more fundamental, stabilizing and psychologically nourishing.

The distinction matters because getting what we intensely desire may not create lasting fulfillment. Research on hedonic adaptation — sometimes called the “hedonic treadmill” — shows that people rapidly adapt to achievements, purchases, status gains and even life changes, ultimately returning to roughly their prior emotional baseline. To put it in Stones’ language, “You don’t always get the object of desire, yet you may still arrive at what truly sustains you.”

A deeper dive

The deeper implication of this analysis should not be resignation, but recalibration. Psychologically, “wants” may be externally conditioned: the plaintiff in a legal dispute seeks prestige, validation, wealth, romantic idealization, control and perfection. By contrast, “needs” tend to be internally driven, involving emotional connection, self-respect, purpose, acceptance, competence and belonging.

Research on eudaimonic well-being — the idea of “living well” rather than merely feeling pleasure — supports this distinction. SDT theory posits that durable well-being comes less from the acquisition of pleasure and more from intrinsic values, meaningful relationships, personal growth and authentic living.

The Stones sang about a psychologically mature confrontation with limits. People experience suffering partly because their imaginations generate infinite wants, while reality imposes constraints. Maturity represents the developmental stage at which individuals can tolerate frustration without collapsing, recognize that disappointment is survivable and even clarify priorities. In psychodynamic terms, the song reflects movement away from the “pleasure principle” toward the “reality principle,” a transition from seeking gratification to accepting complexity and incompleteness.

There is also an existential dimension. Many people organize life around the assumption “Once I get X, I’ll finally be okay.” Psychology says this is an unreliable expectation. The mind

continually resets its standards. The desired object, once obtained, loses emotional intensity. New desires emerge. The Stones compressed that cycle into a single insight: desire is endless, fulfillment is selective, but meaning is still possible.

Their line does not advocate passivity; it does not say wants are meaningless. Rather, it suggests that disappointment can reveal deeper needs hidden beneath surface cravings. A person may seek status but truly needs respect. Another person may want revenge but need acknowledgment. We may want admiration, but what we really need is connection. Patients often enter therapy focused on what they lack externally, only to discover unmet emotional or relational needs.

Now look at the final clause: “if you try sometime...” This implies that insight requires effort, reflection and experience. People rarely discover their real needs automatically. Often, they must first pursue — and fail to be fulfilled by — their wants. Psychology and philosophy converge on the conclusion that lasting well-being rarely comes from the endless satisfaction of appetite alone. The Stones captured a paradox most adults eventually encounter: We may mourn not getting what we wanted but realize later that our frustration redirected us toward what we actually needed.

Mediation can address core needs

Even a surface-level understanding of these psychological principles shows why mediation can be such a powerful vehicle for resolving disputes. A skilled mediator will look beyond the law and proposed settlement values. He or she understands that success may hinge on whether participants feel heard, respected and understood, and psychologically safe enough to move beyond conflict. Their emotional needs are not secondary to the legal issues; they could be the hidden engine driving the dispute.

Litigants may arrive at mediation harboring injuries well beyond the claims described in the complaint. A terminated employee may seek not only compensation for lost wages, but acknowledgment that years of loyalty were discarded without dignity. A business owner in a partnership dispute may be motivated less by money than by a sense of betrayal. A plaintiff injured in an automobile collision may want reassur-

ance that their suffering has been recognized rather than minimized. Even sophisticated commercial litigants frequently bring feelings of humiliation, fear, anger, resentment or moral indignation to the mediation process.

Traditional litigation rarely addresses these realities. Courts are designed to adjudicate rights and obligations, not to repair damaged human relationships or validate emotional experience. The adversarial system, by its nature, can intensify emotional wounds. Depositions, aggressive pleadings, and public accusations may deepen hostility and entrench defensive positions. Parties who feel attacked or dismissed commonly become less flexible, less rational and more determined to “win” at almost any cost.

At its best, mediation recognizes that each conflict is both legal and psychological. In a structured environment, emotional realities are acknowledged without abandoning legal rigor. The mediator’s role extends beyond facilitating bargaining; he or she also functions as a translator of human emotion, a manager of perception and a guardian of procedural fairness.

The need to be heard

Parties need to be heard. They may enter the process feeling that no one has genuinely listened to them. They may feel reduced to a case number, a claim file, or a litigation strategy. Allowing parties to tell their story — sometimes for the first time in a setting where they are not interrupted, cross-examined or dismissed can dramatically alter the tone of negotiation.

Human beings experience conflict not only through objective events but through narrative. They construct meaning through stories about fairness, loyalty, responsibility and identity. If denied the opportunity to express their narrative, they may become increasingly attached to it. But when a mediator listens attentively, parties may become more receptive to compromise; they no longer feel invisible.

Mediation is not counseling, and it should never become an unstructured emotional exercise detached from legal realities. That being said, acknowledging emotional needs does not undermine professionalism and often enhances the efficiency and effectiveness of settlement discussions. When parties feel respected, they are far more likely to evaluate

risk rationally than when they feel humiliated or ignored.

The need for validation

Parties also need validation. This does not mean agreeing with their position or stating that they are legally correct. It simply means hearing and validating their emotional experience and reminding them that compromise is not surrender or a moral defeat. When their emotional experience is validated, settlement becomes psychologically safer; they no longer feel that resolution means abandoning their personal dignity.

The need for control

Litigation often creates profound feelings of powerlessness. Parties surrender major decisions to lawyers, judges, procedural rules and institutional timelines. Mediation restores a degree of autonomy because the participants themselves retain authority over settlement. This restoration of agency has enormous psychological value; it puts the parties in control.

People are more likely to accept outcomes they helped shape, even if those outcomes involve compromise. By contrast, imposed resolutions frequently generate lingering resentment. The mediation process benefits when parties are given meaningful participation rather than being treated merely as spectators to a lawyer-driven negotiation. Skilled mediators understand that procedural fairness often matters as much as substantive outcome. When parties believe the process itself was fair, they are more likely to view the result as legitimate.

The need for trust

Trust also occupies a central role in mediation psychology. Civil disputes commonly arise from damaged trust, and litigation itself often deepens distrust. Parties suspect hidden motives, fear manipulation and anticipate betrayal. The mediator must therefore create an atmosphere of credibility and neutrality. Small details matter enormously: tone of voice, attentiveness, confidentiality, consistency and transparency regarding process.

A mediator who demonstrates patience, empathy, and intellectual honesty can reduce emotional defensiveness and foster constructive engagement. Trust allows parties to move from positional bargaining toward problem-solving.

Conclusion

Ultimately, civil mediation works best when it acknowledges a fundamental truth about human conflict: people do not experience disputes as abstract legal controversies. They experience them personally. Behind every caption and docket number stands an individual seeking security, dignity, recognition, vindication or peace.

The law can allocate damages and define rights, but mediation offers something more valuable: the possibility of human resolution. This

comes not from bargaining tactics or legal leverage, but from understanding the emotional architecture of conflict.

When parties feel heard rather than silenced, respected rather than diminished, and empowered rather than controlled, the likelihood of meaningful settlement increases dramatically. Their needs are not peripheral concerns; they are central to the process. Addressing those needs thoughtfully strengthens both the fairness and durability of the settlement.

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